

**FOURTH DAY**  
(Thursday, December 3, 1992)

The Senate met at 3:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Green, Johnson, Tejeda.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty Father, we ask today for Your presence in this place as the Members assemble in the closing days of this special session.

Hear our prayer this afternoon for Your guidance as the Members focus their energies and talents on the complex but solvable problems involved in public education. May their deliberation and actions—if not in this session, then the next—give hope to those who seek to challenge their young minds in the classrooms across Texas.

Our Father, we thank You for this day and all the gifts from you that we share. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Johnson was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Tejeda was granted leave of absence for today on account of important business on motion of Senator Brooks.

**COMMITTEE SUBSTITUTE SENATE BILL 11**  
**ON THIRD READING**

The President laid before the Senate on its third reading and final passage:

**C.S.S.B. 11**, Relating to the transfer of Texas Turnpike Authority projects to a county or local government corporation and to the administration of those projects.

The bill was read third time and was finally passed by a viva voce vote.

**AT EASE**

The President at 3:35 p.m. announced that the Senate would stand At Ease subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 3:44 p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
December 3, 1992

The Honorable Bob Bullock  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 12**, In memory of Thomas Brazelton Steely.

**H.C.R. 28**, Honoring Mr. Felton West for his many years of service to the people of Texas and expressing best wishes on the occasion of his retirement.

**H.C.R. 29**, Honoring Zac Lentz.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**AT EASE**

The President at 3:45 p.m. announced that the Senate would stand At Ease subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 4:16 p.m.

**RECESS**

On motion of Senator Brooks, the Senate at 4:17 p.m. took recess until 4:30 p.m. today.

**AFTER RECESS**

The Senate met at 4:30 p.m. and was called to order by the President.

**SENATE RESOLUTION 79  
(Caucus Report)**

Senator Brooks offered the following resolution:

Honorable Bob Bullock  
President of the Senate  
Austin, Texas

Sir:

At a caucus held on December 3, 1992, and attended by 28 Members of the Senate, the following recommendations were made, to wit:

**BE IT RESOLVED** by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with

the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 4th Called Session of the 72nd Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 4th Called Session of the 72nd Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 72nd Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 72nd Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the

individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$20,000 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the Member's office or incident thereto, shall be provided in addition to the maximum salary authorized; and, be it further

RESOLVED, That, beginning with the 72nd Legislature, 4th Called Session, the Secretary of the Senate is authorized to order reimbursement for legislative expenses consistent with this Resolution and the establishment by the Ethics Commission of per diem rates; and, be it further

RESOLVED, That any Member of the Senate and the Lieutenant Governor shall be eligible to receive such reimbursement as may be due on application of the Member or the Lieutenant Governor to the Secretary of the Senate; and, be it further

RESOLVED, That, on the application of a Member of the Senate or the Lieutenant Governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day; and, be it further

RESOLVED, That a legislative day include each day of a regular or special session of the Legislature, including any day the Legislature was not in session for a period of four consecutive days or less, and all days the Legislature is not in session if the Senator or Lieutenant Governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day, limited to 10 days per month, the Senator or the Lieutenant Governor, including those living within a 50-mile radius, is otherwise engaged in legislative business in Travis County as evidenced by claims submitted to the chairman or a subcommittee of the Senate Committee on Administration; and, be it further

RESOLVED, That in order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1992, will not be carried forward after January 1, 1993. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate. The Lieutenant Governor shall have the authority to designate a Member of the Senate to represent the Senate at ceremonies and ceremonial functions. Necessary expenses for performance of these duties and for necessary staff are hereby authorized to be paid pursuant to a budget approved by the Administration Committee; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 72nd Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and, be it further

RESOLVED, That any Members not returning for the 73rd Legislature will vacate their Senate offices by December 15, 1992; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

BROOKS

Chairman of the Caucus

O. H. HARRIS

Secretary of the Caucus

The resolution was read and was adopted by a viva voce vote.

#### MESSAGE FROM THE HOUSE

House Chamber  
December 3, 1992

The Honorable Bob Bullock  
President of the Senate

Sir: I am directed by the House to inform the Senate of the following:

**S.J.R. 1**, Failed of adoption by record vote of 90 Ayes, 57 Noes and 0 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM  
FOURTH CALLED SESSION, SEVENTY-SECOND LEGISLATURE**

The President announced that the next order of business was the election of the President Pro Tempore Ad Interim, 4th Called Session, Seventy-second Legislature.

Upon the nomination of Senator Sims and by acclamation, Senator John Montford was elected President Pro Tempore Ad Interim for the 4th Called Session, Seventy-second Legislature.

The President declared Senator Montford elected to the office of President Pro Tempore Ad Interim and the Oath of Office was administered to him by Senator Brooks.

**(Senator Montford in Chair)**

**RESOLUTION SIGNED**

The Presiding Officer announced the signing in the presence of the Senate the following enrolled resolution:

**S.C.R. 12**

**MESSAGE FROM THE HOUSE**

House Chamber  
December 3, 1992

The Honorable Bob Bullock  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 27**, Providing for sine die adjournment.

**S.B. 7**, Relating to the validation of government acts and proceedings regarding certain bond elections in municipalities with a population of more than 1.5 million. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**(President in Chair)**

**HOUSE CONCURRENT RESOLUTION 27**

The President laid before the Senate the following resolution:

**H.C.R. 27**, Providing for sine die adjournment of the 72nd Legislature, 4th Called Session, not later than 6:00 p.m. on Thursday, December 3, 1992.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**PRESENTATION OF GAVEL**

The President presented to Senator Brooks, the Dean of the Texas Senate, a gavel and expressed to him appreciation for his long and dedicated service and his personal friendship.

**MOTION TO ADJOURN SINE DIE**

Senator Brooks at 4:55 p.m. moved that the Senate of the Seventy-second Legislature, 4th Called Session, adjourn sine die upon the completion of administrative duties.

The motion prevailed by a viva voce vote.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 6	H.C.R. 20
H.C.R. 8	H.C.R. 22
H.C.R. 9	H.C.R. 23
H.C.R. 11	H.C.R. 24
H.C.R. 13	H.C.R. 25
H.C.R. 14	H.C.R. 27
H.C.R. 15	H.C.R. 28
H.C.R. 19	H.C.R. 29

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 28** - (Brooks): Honoring Mr. Felton West for his many years of service to the people of Texas and expressing best wishes on the occasion of his retirement.

**H.C.R. 29** - (Armbrister): Commending Zac Lentz for the numerous contributions he has made throughout his life to the betterment of his community.

**S.R. 80** - By Truan: Expressing appreciation to the Mathis Volunteer Fire Department and commending the life of Judge Percy Hartman.

**ADJOURNMENT SINE DIE**

The President at 5:30 p.m. announced that the hour for final adjournment of the 72nd Legislature, 4th Called Session, had arrived, and in accordance with a previously adopted motion, declared the 72nd Legislature, 4th Called Session, adjourned sine die.

The Senate adjourned sine die in memory of the following: Christina Mendiola Barrientos, Clell Everett Bullock, Ambassador Edward A. Clark, Love Gatlin, The Honorable Dorsey B. Hardeman, The Honorable James Manley Head, Luther Louis Hering, Lillian Reynolds Lester, Ballinger Mills, Jr., Donald W. Ray, The Honorable Herbert Ray Roberts, Trish Christine Rodgers, Joseph Schwartz, Kristi Lynn Shear, Thomas Brazelton Steely, Robert L. Thornton, Jr., and The Honorable Robert Lee "Bob" Vale.

**APPENDIX**

Signed by Governor  
(November 17, 1992)

**H.C.R. 1**  
**H.C.R. 2**

Signed by Governor  
(December 3, 1992)

**S.C.R. 1**  
**S.C.R. 3**

S.C.R. 5  
S.C.R. 6  
S.C.R. 7  
S.C.R. 8  
S.C.R. 9  
H.C.R. 3  
H.C.R. 4  
H.C.R. 5  
H.C.R. 10  
H.C.R. 17  
H.C.R. 18

Sent to Governor  
(December 4, 1992)

S.C.R. 10  
S.C.R. 12

Filed with Secretary of State  
(December 4, 1992)

H.C.R. 27

Signed by Governor  
(December 9, 1992)

S.C.R. 10  
S.C.R. 12  
H.C.R. 6  
H.C.R. 8  
H.C.R. 9  
H.C.R. 11  
H.C.R. 13  
H.C.R. 14  
H.C.R. 15  
H.C.R. 19  
H.C.R. 20  
H.C.R. 22  
H.C.R. 23  
H.C.R. 24  
H.C.R. 25  
H.C.R. 28  
H.C.R. 29